1999 DRAFTING REQUEST

Senate Amendment (SA-SSA(LRBs0372/1)-SB125)

Received: 03/14/2000 Wanted: As time permits For: Joanne Huelsman (608) 266-2635 This file may be shown to any legislator: NO May Contact: Subject: Drunk Driving - alcohol level Drunk Driving - penalties					Received By: nelsorp1 Identical to LRB: By/Representing: Pat Drafter: nelsorp1 Alt. Drafters: Extra Copies:											
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Nilsen, Paul

From:

Sobocinski, Ray

Sent:

Tuesday, March 14, 2000 10:27 AM

To:

Nilsen, Paul

Subject:

Amendments to the sub on SB 125

Importance:

High

Sensitivity:

Confidential

be cPaul,

As I mentioned to you, the following is a list of amendments of the sub to SB 125 Sen. Huelsman would like drafted for the floor today. As we discussed the requests are listed in order of priority.

1) Absolute Sobriety for Repeat Offenders (Creating new offense)

Specifically, the new penality created in the sub to SB 125 needs to be eliminated, and the language from AB 221 be restored. (The language that states the new offense would only be enforced as a secondary offense and would not coun as an additional OWI offense on the person's record.)



2) Counting Provisions (Counting Prior Activities)

Eliminate the provision from the sub to SB 125.

3) Ignition Interlock Device (IID)

Revert to AB 221 language.

4) BAC Penalties for Repeat Offenders

Revert to AB 221 language.

Ray Sobocinski Office of Senator Joanne B. Huelsman State Capitol - Room 5 South Post Office Box 7882 Madison, WI 53707-7882 608-266-2635

50372/1-George bin 50405-Panzer 50403



State of Misconsin 1999 - 2000 LEGISLATURE

LRBa1800/1 RPN...:1/:....

SENATE AMENDMENT, TO SENATE SUBSTITUTE AMENDMENT (LRBs0372/1), TO 1999 SENATE BILL 125

1 10.0 + (3) + (5)

At the locations indicated, amend the substitute amendment as follows:

✓ 1. Page 4, line 4: delete lines 4 to 14.

2. Page 8, line 23: after that line insert: (insert 8-23)

 $\sqrt{3}$. Page 9, line 15: delete lines 15 to 18.

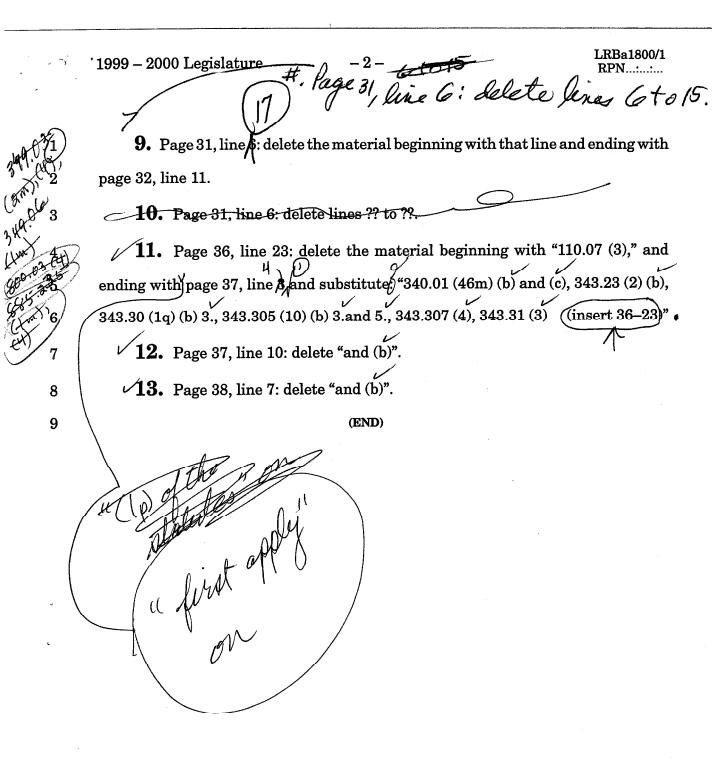
4. Page 10, line 14: delete lines 14 to 22.

5. Page 11, line 6: delete lines 6 to 16.

✓ 6. Page 13, line 18: delete the material beginning with that line and ending with page 17, line 3.

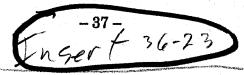
 \checkmark 7. Page 17, line 11: delete lines 11 to 22.

8. Page 28, line 18: delete the material beginning with that line and ending with page 29, line 20.



	1	SECTION 14. 303.08 (1) (cg) of the statutes is created to read:
	2	303.08 (1) (cg) Attendance at an assessment ordered by a court under s. 343.30
	3	(1q) (c);
	4	SECTION 15. 303.08 (1) (cm) of the statutes is created to read:
	5	303.08 (1) (cm) Attendance at a treatment program required by a driver safety
	6	plan under s. 343.30 (1q) (c);
	7	SECTION 16. 303.08 (10m) of the statutes is created to read:
	8	303.08 (10m) The sheriff may not permit a prisoner who is imprisoned for a
	9	violation of s. 346.63(1), (2), (5) or (6) to leave the jail under sub. (1) if the prisoner
	10	fails to obtain the assessment or to comply with the driver safety plan ordered under
	11	s. 343.30 (1q) (c). This subsection does not apply if the prisoner does not have
	12	sufficient funds to make any payments necessary to obtain the assessment or to
	13	comply with the driver safety plan.
	14	SECTION 340.01 (46m) (b) of the statutes is amended to read:
7 .	15	340.01 (46m) (b) If the person has 2 or more prior convictions, suspensions or
,	16	revocations, as counted under s. 343.307 (1), an alcohol concentration of 0.08 or more.
£.	17	SECTION 18. 340.01 (46m) (c) of the statutes is created to read:
	18	340.01 (46m) (c) If the person has 3 or more prior convictions, suspensions or
	19	revections, as counted under s. 343,307 (1), an alcohol concentration of more than
	20	0.02.
	21	SECTION 19. 342.12 (4) (a) of the statutes is amended to read:
`	22	342.12 (4) (a) The district attorney shall notify the department when he or she
	23	files a criminal complaint against a person who has been arrested for violating s.
· ·	24	346.63 (1) or (2), 940.09 (1) or 940.25 and who has 2 or more prior convictions,
	25	suspensions or revocations, as counted under s. 343.307 (1). Except as provided
S .		

1999 – 2000 Legislature



LRBs0372/1 RPN/PEN/JEO/MGD:kg:jf SECTION 90

(bm) 3. and 5., 346.63 (2m), 346.65 (2) (b), (c), (d), (e) and (g), (2c), (2e), (2g) (a), (ag),

(b) and (c), (2j) (b) and (2w) 346,657, 349,03 (2m) and (4), 349.06 (1m) and 885.235

(1m) and 14 of the statutes and therenumbering of section 343.30 (1p) of the statutes

first is

first apply to violations committed or refusals occurring on the effective date of this subsection, but does not preclude the counting of other convictions, suspensions or revocations as prior convictions, suspensions or revocations for purposes of administrative action by the department of transportation, sentencing by a court or determining the prohibited alcohol conceptration.

- (3) IGNITION INTERLOCK AND IMMOBILIZATION. The treatment of sections 343.10 (5) (a) 3. and (b), 343.301, 343.305 (10m), 346.65 (6) (a) 1., 2., 2m. and 3., (b) and (d), 347.413 (1) and (2), 347.417 (1) and (2), 940.09 (1d) (a) and 940.25 (1d) (a) of the statutes and the renumbering of sections 940.09 (1d) and 940.25 (1d) of the statutes first apply to violations committed or refusals occurring on the effective date of this subsection, but does not preclude the counting of other convictions, suspensions or revocations as prior convictions, suspensions or revocations for purposes of administrative action by the department of transportation or sentencing by a court.
- (4) Intoxicated driver improvement surcharge. The treatment of sections 20.395 (5) (ek), 20.435 (6) (hx) and 346.655 (1) and (2) (a) and (b) of the statutes first applies to intoxicated driver improvement surcharges imposed for violations committed on the effective date of this subsection.
- (5) MUNICIPAL COURT APPEARANCE AND SEIZURE OF MOTOR VEHICLE. The treatment of sections 346.65 (6) (c) and 800.03 (4) of the statutes first applies to violations committed or refusals occurring on the effective date of this subsection, but does not preclude the counting of other convictions, suspensions or revocations as prior